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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of decision: 28.10.2025

Wakeel

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Saurav Bhatia, Advocate for the petitioner.
Mr. Vishal Singh, AAG Haryana.
Mr. Sanyam Khetarpal, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. The petitioner, child-in-conflict-with-law (hereinafter referred to as 'CCL') has filed the present revision petition challenging the order dated 31.07.2025 passed by learned Principal Magistrate, Juvenile Justice Board, Nuh (hereinafter referred to as 'Juvenile Justice Board') and the order dated 12.08.2025 passed by learned Additional Sessions Judge, Nuh. By way of impugned orders the prayer made on behalf of the CCL for grant of bail has been dismissed.

2. The gravamen of the FIR in question reflects that on 03.12.2024 at about 08:25 PM, the police received a telephone call with regard to kidnapping of a person from village Bajadka. When the police team reached the village, they received further information from SHKM, Nalhar Hospital, about the admission of a person with a gunshot injury. At around 02:00 AM on 04.12.2024, the complainant Waseem Akram lodged a

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written complaint alleging that on 03.12.2024, at about 08:00 PM, he and his brother Anees were returning home from the gym on their motorcycles. When they reached near Bajadka turn on Palwal Road, accused Nepali and Ramjan, who were already waiting there, hit the motorcycle of brother of the complainant with a car and forcibly took him away towards Nuh. Thereafter, complainant immediately informed his elder brother, who then called the police. Later, the complainant came to know that the accused person(s) had shot his brother and left him on the road. On these set of allegations, the instant FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the name of the petitioner is not mentioned in the FIR and police in collusion with the complainant and on the basis of supplementary statement of the injured the petitioner has been falsely implicated into the FIR. Learned counsel has further submitted that there are no specific allegations against the petitioner and the trial of the case will take a long time and no useful purpose would be served if the petitioner is further kept in the observation home. It has been further contended that the petitioner is a school-going, 16 years old boy, and keeping him in the observation home will have an adverse impact on his academics and resultantly will gravely affect his future prospects. According to the learned counsel, both the Courts below have not appreciated the Social Information Report (SIR) in the right perspective and passed the impugned orders in a hasty manner without considering the settled principles of law. Learned



counsel, while relying upon the statutory provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, has argued that the petitioner ought to have been released on regular bail in the facts and circumstances of the case. On the basis of aforesaid submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of instant petition by arguing that the allegations raised against the petitioner are serious in nature. Learned State counsel has iterated that the petitioner has participated in the commission of the alleged offence. In light of the seriousness of the allegations and the *prima facie* evidence, the grant of bail at this stage would not be in the interest of justice. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. It would be apposite to refer herein to a judgment of this Court passed in **CRR-2876-2023** titled as ***Jatin vs. State of Haryana***, decided on 30.01.2024; relevant whereof reads as under:-

“10. As an epilogue to above discussion the principles of law that emerge are as follows:

(I) Ordinarily, a CCL will be entitled to bail under Section 12 of The Juvenile Justice (Care and Protection of Children) Act, 2015 except wherein:

(i) There appears to be reasonable grounds that such release is likely to bring the CCL into association with any known criminal; or

(ii) There appears to be reasonable grounds that release of such CCL may expose him/her to moral/physical/psychological danger; or

(iii) Such release would defeat the ends of justice.



For a Board to hold that a given case falls under above-said three exceptions, the Board is required to rely upon tangible material to so hold and mere apprehension would not suffice to decline bail.

(II) The gravity/seriousness of an offence shall by itself not be a reason for rejection of bail of a CCL unless it is shown that such release would defeat the “ends of justice.”

For instance; wherein a CCL is alleged to be involved in a gruesome murder or a barbaric sexual assault or serious terrorist/anti-national activity(s); the Board may be justified in declining such release since release would defeat the “ends of justice”. These situations are illustrative in nature as it neither desirable nor possible to exhaustively enumerate all such situations and each case is required to be considered by the Board in its own facts/circumstances.

(III) The Board while considering a plea for bail by CCL, shall obtain and look into the SIR (Social Investigation Report) obtained in terms of Section 8 of 2015 Act as also the attending circumstances of the case in hand such as status of the family members of the CCL, the atmosphere around the ordinary residence of the CCL, educational background of the CCL as also his family members etc. These factors are only illustrative in nature as it is neither possible nor desirable to exhaustively enumerate such like factors.

(IV) The Board, in case of rejection of bail of CCL on the basis of exceptions contained in proviso to Section 12(1) of the 2015 Act, is bound to accord reasons and briefly give the circumstances that have led to such rejections.

(V) An earnest effort ought to be made by the Board in expeditious decision of a plea for bail made on behalf of CCL and there should not be an inordinate delay in obtaining the SIR etc. since the matter pertaining to a CCL deserves to be dealt with exercising sensitivity, care and caution.”

7. The case set up against the CCL (who was aged about 16 years on the date of alleged offence) is that his name has surfaced in the disclosure statement of the co-accused and in supplementary statement made by the injured-victim who was allegedly hit by a car when he was driving the motorcycle. The injured-victim was, thereafter, allegedly taken

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away in the car towards Nuh and was shot and thrown on the road. Final report has been presented against the CCL on 11.09.2025 wherein 19 prosecution witnesses in total have been cited and the case is still pending at the stage of framing of charges. Thus, the culmination of the trial/enquiry will take its own time. Furthermore, there is no tangible material available on record to indicate that there is likelihood of the CCL coming into association with any known criminal or his being exposed to moral/physical/psychological danger. The Social Investigation Report submitted in the matter shows that the date of birth of the petitioner is 01.08.2008. The CCL was residing with his parents alongwith his siblings. The CCL has studied upto 10th class. The habits of CCL are watching TV/movies and is addicted to smoking & is shown to harbour normal attitude towards religion and his family members. As per the SIR, the reason for involvement of CCL in the alleged offence is peer group influence. As per the Social Investigation Report, the CCL has not been found involved in any other criminal case. The CCL has not been used by any gangs or adults or group of adults or has been used for drug peddling; the CCL has not been subjected to any form of abuse; CCL is not a victim of any offence & that the CCL has never been involved in any kind of illegal activities. The learned JJB, Nuh as also the learned Additional Sessions Judge, Nuh appear to have rejected the bail of the CCL in question on the ground of the allegations against him being serious & the victim, in his supplementary statement having levelled specific allegations against the CCL. However, these findings appear to have been recorded on a mere

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apprehension and without any material/basis on record. On the contrary, a perusal of the Social Information Report reflects that it would be in the fitness of the things especially the overall interest of the CCL that he is released on bail. The mere nature of the offence alleged to have been committed by the CCL does not make it a case calling for rejection of the bail so as to preserve the ends of justice. Moreover, the CCL-petitioner is of tender age and being in custody for a prolonged period is detrimental to the petitioner's mental and emotional well being. Moreover, the petitioner-CCL has no previous criminal record or history of deviant behavior and his continued incarceration may affect his moral character; jeopardize his career prospects and he may also be rendered jobless forever. Furthermore, denying bail to the CCL-petitioner may lead to an unjust deprivation of the ccl-petitioner's liberty without final adjudication of guilt. This Court is accordingly of the considered opinion, that in the facts and circumstances of the case in hand, the petitioner-CCL deserves to be enlarged on bail.

8. Accordingly the present revision petition is allowed and impugned orders dated 31.07.2025 and 12.08.2025 are set-aside. Petitioner-CCL is ordered to be released on bail on his furnishing requisite bail/surety bonds etc. to the satisfaction of concerned CJM/Duty Magistrate.

It is further directed that such concerned CJM/Duty Magistrate shall be at liberty to impose such further condition(s) as deemed appropriate by him/her while releasing the petitioner-CCL on bail.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed



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hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

October 28, 2025
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No